

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

X CORP.,

Plaintiff,

Case No. 23-cv-03698-WHA

v.

BRIGHT DATA, LTD.

Defendant

**DECLARATION OF DAVID A. MUNKITTRICK IN SUPPORT OF BRIGHT DATA’S
ADMINISTRATIVE MOTION TO EXCEED THE PAGE LIMIT**

I, David A. Munkittrick, state and declare as follows:

1. I am an attorney at the law firm Proskauer Rose LLP in New York, New York. Proskauer Rose LLP serves as counsel to Defendant Bright Data, Ltd. (“Bright Data”).

2. I submit this declaration in support of Bright Data’s Administrative Motion to Exceed the Page Limit.

3. I have personal knowledge of the information contained in this Declaration.

4. On Wednesday November 22, 2023, I emailed X Corp.’s counsel at Haynes and Boone, LLP, proposing a briefing schedule and page limits for Bright Data’s forthcoming Motion to Dismiss the Amended Complaint. X consented to the schedule but declined to agree to additional pages. Specifically, Bright Data requested, and X rejected, opening and opposing briefs of 35 pages and a reply brief of 25 pages. A true and correct copy of that correspondence is attached as **Exhibit 1**.

5. I declare under penalty of perjury under the laws of the United States that the foregoing is true and accurate to the best of my knowledge and belief.

1 Dated: November 28, 2023

Respectfully submitted,

2 /s/ David A. Munkittrick

3 David A. Munkittrick*

4 PROSKAUER ROSE LLP

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New York, New York 10036

5 (212) 969-3000

6 dmunkittrick@proskauer.com

EXHIBIT 1

From: [Bloom, Jason](#)
To: [Munkittrick, David A.](#); [Kass, Colin R](#)
Cc: [Harper, David H.](#); [Pillifant, Reid](#); [Lao, Jason](#); [Levenson, Andrea](#)
Subject: RE: X Corp. v. Bright Data
Date: Wednesday, November 22, 2023 4:52:52 PM

This email sent by jason.bloom@haynesboone.com originated from outside the Firm.

David,

We're agreeable to the briefing schedule you propose, but we don't agree to extending the page limits for the briefs. Please feel free to send over a stipulation.

On a separate note, since both parties now have outstanding discovery requests, we think it makes sense to get an agreed protective order on file. We're fine with the Court's standard order, but it's my understanding from our last call that you all may propose some modifications. Could you send those over for our review?

Finally, we'll review and get you comments on the Joint Case Management Statement after Thanksgiving. We have that down as being due on Jan. 18 now.

Thanks,

Jason

HAYNES BOONE

Jason P. Bloom | Partner

jason.bloom@haynesboone.com | (t) +1 214.651.5655

From: Munkittrick, David A. <DMunkittrick@proskauer.com>

Sent: Wednesday, November 22, 2023 9:18 AM

To: Bloom, Jason <Jason.Bloom@haynesboone.com>; Kass, Colin R <CKass@proskauer.com>

Cc: Harper, David H. <David.Harper@haynesboone.com>; Pillifant, Reid
<Reid.Pillifant@haynesboone.com>; Lao, Jason <Jason.Lao@haynesboone.com>; Levenson, Andrea
<Andrea.Levenson@haynesboone.com>

Subject: RE: X Corp. v. Bright Data

EXTERNAL: Sent from outside Haynes and Boone, LLP
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Jason,

We're touching base regarding our response to X's Amended Complaint – specifically, an extension of our time (and pages) to respond and a briefing schedule for our anticipated motion to dismiss. Given the holidays and the new counts in your amended complaint, we propose an extension of our

deadline to December 22nd, and of pages to 35. We could give you 30 days to respond (to January 22) and 35 pages, but we're flexible and are happy to work with you on a schedule. We would ask for 21 days for reply and 25 pages. Given our deadline is November 28th, we'd appreciate a response before Monday if possible. If agreed, we can prepare a stipulation and proposed order.

We also wanted to touch base on the case management statement. We understand we have some more time now, but wanted to see when you expect to turn the draft.

Best,
David

David Munkittrick

Partner

[Proskauer](#)

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